

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND Senate Bill No. 216, Page 1, In the title, Line 3, by deleting the words, "first responder  
2 political activity" and inserting in lieu thereof the words, "political subdivisions"; and  
3

4 Further amend said bill and page, Section 67.145, Line 6, by inserting after all of said section and  
5 line, the following:  
6

7 "77.046. 1. Upon the adoption of a city administrator form of government, the governing  
8 body of the city may provide that all other officers and employees of the city, except elected officers,  
9 shall be appointed and discharged by the city administrator, but the governing body may make  
10 reasonable rules and regulations governing the same.

11 2. Nothing in this section shall be construed to authorize the city to remove or discharge any  
12 chief, as that term is defined in section 106.273.

13 78.340. 1. Before entering upon the duties of their office each of said commissioners shall  
14 take and subscribe an oath, which shall be filed and kept in the office of the city clerk, to support the  
15 Constitution of the state of Missouri and to obey the laws and aim to secure and maintain an honest  
16 and efficient force free from partisan distinction or control, and to perform the duties of his office to  
17 the best of his ability.

18 2. Nothing in this section shall be construed to authorize the commissioners to remove or  
19 discharge any chief, as that term is defined in section 106.273.

20 79.240. 1. The mayor may, with the consent of a majority of all the members elected to the  
21 board of aldermen, remove from office, for cause shown, any elective officer of the city, such officer  
22 being first given opportunity, together with his witnesses, to be heard before the board of aldermen  
23 sitting as a board of impeachment. Any elective officer, including the mayor, may in like manner,  
24 for cause shown, be removed from office by a two-thirds vote of all members elected to the board of  
25 aldermen, independently of the mayor's approval or recommendation. The mayor may, with the  
26 consent of a majority of all the members elected to the board of aldermen, remove from office any  
27 appointive officer of the city at will, and any such appointive officer may be so removed by a  
28 two-thirds vote of all the members elected to the board of aldermen, independently of the mayor's  
29 approval or recommendation. The board of aldermen may pass ordinances regulating the manner of  
30 impeachments and removals.

31 2. Nothing in this section shall be construed to authorize the mayor, with the consent of the  
32 majority of all the members elected to the board of aldermen, or the board of aldermen by a

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1 two-thirds vote of all its members, to remove or discharge any chief, as that term is defined in section  
2 106.273.

3 80.420. 1. The policemen of the town, in the discharge of their duties, shall be subject to the  
4 orders of the marshal only as chief of police; but any marshal, assistant marshal or policeman may be  
5 instantly removed from his office by the board of trustees at a regular or called meeting, for any  
6 wanton neglect of duty.

7 2. Nothing in this section shall be construed to authorize the board of trustees to remove or  
8 discharge any chief, as that term is defined in section 106.273.

9 84.120. 1. No person shall be appointed or employed as policeman, turnkey, or officer of  
10 police who shall have been convicted of, or against whom any indictment may be pending, for any  
11 offense, the punishment of which may be confinement in the penitentiary; nor shall any person be so  
12 appointed who is not of good character, or who is not a citizen of the United States, or who is not  
13 able to read and write the English language, or who does not possess ordinary physical strength and  
14 courage. The patrolmen and turnkeys hereafter appointed shall serve while they shall faithfully  
15 perform their duties and possess mental and physical ability and be subject to removal only for cause  
16 after a hearing by the boards, who are hereby invested with the jurisdiction in the premises.

17 2. The board shall have the sole discretion whether to delegate portions of its jurisdiction to  
18 hearing officers. The board shall retain final and ultimate authority over such matters and over the  
19 person to whom the delegation may be made. In any hearing before the board under this section, the  
20 member involved may make application to the board to waive a hearing before the board and request  
21 that a hearing be held before a hearing officer.

22 3. Nothing in this section or chapter shall be construed to prohibit the board of police  
23 commissioners from delegating any task related to disciplinary matters, disciplinary hearings, or any  
24 other hearing or proceeding which could otherwise be heard by the board or concerning any  
25 determination related to whether an officer is able to perform the necessary functions of the position.  
26 Tasks related to the preceding matter may be delegated by the board to a hearing officer under the  
27 provisions of subsection 4 of this section.

28 4. (1) The hearing officer to whom a delegation has been made by the board may, at the sole  
29 discretion of the board, perform certain functions, including but not limited to the following:

30 (a) Presiding over a disciplinary matter from its inception through to the final hearing;  
31 (b) Preparing a report to the board of police commissioners; and  
32 (c) Making recommendations to the board of police commissioners as to the allegations and  
33 the appropriateness of the recommended discipline.

34 (2) The board shall promulgate rules, which may be changed from time to time as  
35 determined by the board, and shall make such rules known to the hearing officer or others.

36 (3) The board shall at all times retain the authority to render the final decision after a review  
37 of the relevant documents, evidence, transcripts, videotaped testimony, or report prepared by the  
38 hearing officer.

39 5. Hearing officers shall be selected in the following manner:

40 (1) The board shall establish a panel of not less than five persons, all who are to be licensed  
41 attorneys in good standing with the Missouri Bar. The composition of the panel may change from

1 time to time at the board's discretion;

2 (2) From the panel, the relevant member or officer and a police department representative  
3 shall alternatively and independently strike names from the list with the last remaining name being  
4 the designated hearing officer. The board shall establish a process to be utilized for each hearing  
5 which will determine which party makes the first strike and the process may change from time to  
6 time;

7 (3) After the hearing officer is chosen and presides over a matter, such hearing officer shall  
8 become ineligible until all hearing officers listed have been utilized, at which time the list shall  
9 renew, subject to officers' availability.

10 6. Nothing in this section shall be construed to authorize the board of police commissioners  
11 to remove or discharge any chief, as that term is defined in section 106.273."; and

12  
13 Further amend said bill, Page 3, Section 84.830, Line 69, by inserting after all of said line, the  
14 following:

15  
16 "9. Nothing in this section shall be construed to authorize the board to remove or discharge  
17 any chief, as that term is defined in section 106.273.

18 85.551. 1. In cities of the third class which shall not have adopted the merit system police  
19 department provided for in sections 85.541 to 85.571, the marshal shall be the chief of police, and  
20 there also may be one assistant marshal, who shall serve for a term of one year and who shall be  
21 deputy chief of police; such number of regular policemen as may be deemed necessary by the  
22 council for the good government of the city, who shall serve for terms of one year; and such number  
23 of special policemen as may be prescribed by ordinance, to serve for such time as may be prescribed  
24 by ordinance.

25 2. The manner of appointing the assistant marshal and all policemen of the city shall be  
26 prescribed by ordinance. The council shall also, by ordinance, provide for the removal of any  
27 marshal, assistant marshal or policeman guilty of misbehavior in office.

28 3. Nothing in this section shall be construed to authorize the council to remove or discharge  
29 any chief, as that term is defined in section 106.273.

30 106.270. 1. If any official against whom a proceeding has been filed, as provided for in  
31 sections 106.220 to 106.290, shall be found guilty of failing personally to devote his time to the  
32 performance of the duties of such office, or of any willful, corrupt or fraudulent violation or neglect  
33 of official duty, or of knowingly or willfully failing or refusing to do or perform any official act or  
34 duty which by law it is made his duty to do or perform with respect to the execution or enforcement  
35 of the criminal laws of the state, the court shall render judgment removing him from such office, and  
36 he shall not be elected or appointed to fill the vacancy thereby created, but the same shall be filled as  
37 provided by law for filling vacancies in other cases. All actions and proceedings under sections  
38 106.220 to 106.290 shall be in the nature of civil actions, and tried as such.

39 2. Nothing in this section shall be construed to authorize the removal or discharge of any  
40 chief, as that term is defined in section 106.273.

41 106.273. 1. For the purposes of this section, the following terms shall mean:

1 (1) “Chief”, any non-elected chief law enforcement officer of any political subdivision;

2 (2) “Just cause”, exists when a chief:

3 (a) Is unable to perform his or her duties with reasonable competence or reasonably safety as  
4 a result of a mental condition, including alcohol or substance abuse;

5 (b) Has committed any act, while engaged in the performance of his or her duties, that  
6 constitutes a reckless disregard for the safety of the public or another law enforcement officer;

7 (c) Has caused a material fact to be misrepresented for any improper or unlawful purpose;

8 (d) Acts in a manner for the sole purpose of furthering his or her self-interest, or in a manner  
9 inconsistent with the interests of the public of the chief’s governing body;

10 (e) Has been found to have violated any law, statute, or ordinance which constitutes a felony;  
11 or

12 (f) Has been deemed insubordinate or found to be in violation of a written established policy,  
13 unless such claimed insubordination or violation of a written established policy was a violation of  
14 any federal or state law or local ordinance.

15 2. A chief shall be subject to removal from office or employment by the appointing authority  
16 or the governing body of the political subdivision employing the chief if:

17 (1) The governing body of the political subdivision employing the chief issues a written  
18 notice to the chief whose removal is being sought no fewer than ten business days prior to the  
19 meeting at which his or her removal will be considered;

20 (2) The chief has been given written notice as to the governing body’s intent to remove him  
21 or her. Such notice shall include:

22 (a) Charges specifying just cause for which removal is sought;

23 (b) A statement of facts that are alleged to constitute just cause for the chief’s removal; and

24 (c) The date, time, and location of the meeting at which the chief’s removal will be  
25 considered.

26 (3) The chief is given an opportunity to be heard before the board, together with any  
27 witnesses, evidence and counsel of his or her choosing; and

28 (4) The board, by two-thirds majority vote, finds just cause for removing the chief.

29 3. Upon the satisfaction of the removal procedure under subsection 2 of this section, the  
30 chief shall be immediately removed from his or her office, shall be relieved of all duties and  
31 responsibilities of said office, and shall be entitled to no further compensation or benefits not already  
32 earned, accrued, or agreed upon.

33 4. Any chief removed pursuant to subsection 3 of this section shall be issued a written notice  
34 of the grounds of his or her removal within fourteen calendar days of the removal.

35 590.080. 1. The director shall have cause to discipline any peace officer licensee who:

36 (1) Is unable to perform the functions of a peace officer with reasonable competency or  
37 reasonable safety as a result of a mental condition, including alcohol or substance abuse;

38 (2) Has committed any criminal offense, whether or not a criminal charge has been filed;

39 (3) Has committed any act while on active duty or under color of law that involves moral  
40 turpitude or a reckless disregard for the safety of the public or any person;

41 (4) Has caused a material fact to be misrepresented for the purpose of obtaining or retaining

1 a peace officer commission or any license issued pursuant to this chapter;

2 (5) Has violated a condition of any order of probation lawfully issued by the director; or

3 (6) Has violated a provision of this chapter or a rule promulgated pursuant to this chapter.

4 2. When the director has knowledge of cause to discipline a peace officer license pursuant to  
5 this section, the director may cause a complaint to be filed with the administrative hearing  
6 commission, which shall conduct a hearing to determine whether the director has cause for  
7 discipline, and which shall issue findings of fact and conclusions of law on the matter. The  
8 administrative hearing commission shall not consider the relative severity of the cause for discipline  
9 or any rehabilitation of the licensee or otherwise impinge upon the discretion of the director to  
10 determine appropriate discipline when cause exists pursuant to this section.

11 3. Upon a finding by the administrative hearing commission that cause to discipline exists,  
12 the director shall, within thirty days, hold a hearing to determine the form of discipline to be imposed  
13 and thereafter shall probate, suspend, or permanently revoke the license at issue. If the licensee fails  
14 to appear at the director's hearing, this shall constitute a waiver of the right to such hearing.

15 4. Notice of any hearing pursuant to this chapter or section may be made by certified mail to  
16 the licensee's address of record pursuant to subdivision (2) of subsection 3 of section 590.130. Proof  
17 of refusal of the licensee to accept delivery or the inability of postal authorities to deliver such  
18 certified mail shall be evidence that required notice has been given. Notice may be given by  
19 publication.

20 5. Nothing contained in this section shall prevent a licensee from informally disposing of a  
21 cause for discipline with the consent of the director by voluntarily surrendering a license or by  
22 voluntarily submitting to discipline.

23 6. The provisions of chapter 621 and any amendments thereto, except those provisions or  
24 amendments that are in conflict with this chapter, shall apply to and govern the proceedings of the  
25 administrative hearing commission and pursuant to this section the rights and duties of the parties  
26 involved.

27 7. Nothing in this section shall be construed to authorize the director to remove or discharge  
28 any chief, as that term is defined in section 106.273."; and

29  
30 Further amend said bill by amending the title, enacting clause, and intersectional references  
31 accordingly.  
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